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Attorneys for Defendant  
CLAIRE'S BOUTIQUES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MAYRA QUINTANA, ELIZABETH  
SANCHEZ, individually, and on behalf of  
other members of the general public  
similarly situated, and as aggrieved  
employees,

Plaintiffs,

vs.

CLAIRE'S BOUTIQUES, INC., a  
Colorado corporation, and DOES 1 through  
50, inclusive,

Defendants.

Case No. CV 13-00368 PSG

**DECLARATION OF ERIC MECKLEY IN  
SUPPORT OF DEFENDANT CLAIRE'S  
BOUTIQUES, INC.'S OPPOSITION TO  
PLAINTIFFS' MOTION TO COMPEL  
FURTHER RESPONSES TO  
INTERROGATORIES, SET ONE, NO. 1 AND  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS, SET ONE, NOS. 10, 12, 14, 16,  
AND 17**

**DECLARATION OF ERIC MECKLEY**

I, Eric Meckley, declare as follows:

1. I am a partner with the law firm of Morgan, Lewis & Bockius LLP, counsel of record for Defendant Claire's Boutiques, Inc. ("Defendant"). I am licensed to practice law before this Court and before all courts in the State of California. I have personal knowledge of the facts set forth in this Declaration and I could and would testify competently thereto if called upon to do so. I make this declaration in support of Defendant's Opposition to Plaintiffs' Motion to Compel Further Responses to Interrogatories, Set One, No. 1 and Requests for Production of Documents, Set One, Nos. 12, 13, 14, 16, and 17.

2. On March 5, 2013, Plaintiffs served on Defendants Claire's Stores, Inc. and CBI Distributing Corporation (then parties to the instant action), Interrogatories, Set One, No. 1, which sought (among other things) the names, home addresses, telephone numbers, and employee identification numbers of all of the putative class members.

3. On April 4, 2013, Defendants Claire's Store, Inc. and CBI Distributing Corporation served their responses, objecting on several grounds to this Interrogatory. Defendant Claire's Boutiques, Inc. was never served with the Interrogatories, Set One, but following meet and confer communications with counsel for Plaintiffs regarding the issue of failed service, later agreed to serve, and did timely serve, its responses on October 25, 2013.

4. On March 5, 2013, Plaintiffs served Requests for Production of Documents, Set One, which sought, among other things, the time records and payroll records of each and every putative class member.

5. On April 4, 2013, Defendants served its responses to Plaintiffs' Requests for Production of Documents, Set One, objecting on several grounds to the Requests.

6. On or about August 30, 2013, during a telephonic meet and confer conference, counsel for Plaintiffs proposed that Defendant produce a 25% random sampling of the names and contact information of the putative class subject to *Belaire-West* opt out notice, provided that Defendant "did not attack the representativeness of the sample at class certification." Counsel for Defendants requested that Plaintiffs put their proposal in writing regarding the specific agreement

1 regarding “representativeness” that Plaintiffs were seeking from Defendant.

2 7. On September 9, 2013, Defendant again requested that Plaintiffs provide a written  
3 description of their proposal regarding the sampling of the contact information. A true and  
4 correct copy of my firm’s email correspondence to Plaintiffs’ counsel is attached as **Exhibit A**.  
5 Plaintiffs never responded.

6 8. On September 24, 2013, Plaintiffs withdrew their prior proposal regarding the 25%  
7 random sampling subject to *Belaire-West* opt out notice, and instead insisted that Defendant  
8 produce the names and contact information for the entire class, falsely stating that Defendant had  
9 insisted “on attacking the representativeness of the sample.” In that same correspondence,  
10 Plaintiffs stated they were willing to accept a sample of the time and payroll records for 20% of  
11 the putative class, provided Defendant disclose the names and contact information for the entire  
12 putative class.

13 9. On or about October 15, 2013, during a further telephonic meet and confer  
14 conference, I proposed (subject to Claire’s ultimate approval) a compromise in which Plaintiffs  
15 would receive contact information for a random sampling of approximately 217 individuals (20%  
16 of the putative class) along with their corresponding time and payroll records, subject to a  
17 *Belaire-West* opt-out notice procedure for the contact information and data, and subject to the  
18 parties’ protective order.

19 10. Plaintiffs rejected this proposal and filed the current Motion approximately one  
20 month later on November 12, 2013.

21 I declare under penalty of perjury under the laws of California and the United States of  
22 America that the foregoing is true and correct.

23 Executed this 26th day of November 2013, at San Francisco, California.

24  
25 /s/ Eric Meckley  
26 Eric Meckley

# **EXHIBIT A**

**Nazarian, Kathryn M.**

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**From:** Nazarian, Kathryn M.  
**Sent:** Monday, September 09, 2013 9:15 AM  
**To:** Alexandria Witte  
**Cc:** Meckley, Eric  
**Subject:** RE: Quintana v. Claire's

Thanks Alex. I believe you were also going to send Plaintiffs' proposal in writing regarding the class list sampling so that we can take that back to our client.

Thanks,  
Kate

**Kate Nazarian**

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**From:** Alexandria Witte [<mailto:Alexandria.Witte@capstonelawyers.com>]  
**Sent:** Friday, September 06, 2013 6:20 PM  
**To:** Nazarian, Kathryn M.  
**Subject:** Quintana v. Claire's

Hi Kathryn –

I reviewed your letter regarding Plaintiffs' responses to the Interrogatories and Requests for Production, and anticipate sending you a response next week.

Have a good weekend.

Thanks,  
Alex



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